

WFF/MAH/JV/USAO2006R00214

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:
	:
v.	: Criminal No. 07-459 (RBK)
	:
MOHAMAD IBRAHIM SHNEWER,	: 18 U.S.C. §§ 1114,
DRITAN DUKA,	: 1117, 924(c), 922(o),
a/k/a "Tony Duka,"	: 922(g)(5) & 2
ELJVIR DUKA,	:
a/k/a "Sulayman,"	:
SHAIN DUKA,	:
a/k/a "Shaheen,"	:
and	:
SERDAR TATAR	:

SUPERSEDING INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting in Camden, charges:

COUNT 1

(Conspiracy To Murder Members of the United States Military)

The Defendants

1. At all times relevant to this Superseding Indictment:

(a) Defendant MOHAMAD IBRAHIM SHNEWER was a resident
of Cherry Hill, New Jersey.

(b) Defendant DRITAN DUKA, a/k/a "Tony Duka," was a
resident of Cherry Hill, New Jersey. Defendant DRITAN DUKA was
an alien, illegally and unlawfully residing in the United States.

(c) Defendant ELJVIR DUKA, a/k/a "Sulayman," was a
resident of Cherry Hill, New Jersey. Defendant ELJVIR DUKA was
an alien, illegally and unlawfully residing in the United States.

(d) Defendant SHAIN DUKA, a/k/a "Shaheen," was a

resident of Cherry Hill, New Jersey. Defendant SHAIN DUKA was an alien, illegally and unlawfully residing in the United States.

(e) Defendant SERDAR TATAR was a resident of Philadelphia, Pennsylvania.

Military Installations

2. At all times relevant to this Superseding Indictment, members of the uniformed services were engaged in the performance of their official duties at the following military installations:

(a) United States Army Base at Fort Dix, located in Burlington County, New Jersey.

(b) McGuire Air Force Base, located in Burlington County, New Jersey.

(c) Lakehurst Naval Air Station, located in Ocean County, New Jersey.

(d) United States Army Base at Fort Monmouth, located in Monmouth County, New Jersey.

(e) Dover Air Force Base, located in Kent County, Delaware.

(f) United States Coast Guard Base, Sector Delaware Bay, located in Philadelphia, Pennsylvania.

The Conspiracy

3. The defendants, MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR were inspired by, among others, al Qaeda, a foreign terrorist organization which sponsored, managed and financed terrorist attacks against the United States and its citizens, including the terrorist attacks of September 11, 2001, the attack on the U.S.S. Cole, and attacks on United States military forces fighting in Iraq and Afghanistan, to form a conspiracy to kill United States military personnel stationed in New Jersey and elsewhere.

4. From on or about January 3, 2006 to on or about May 7, 2007, in Camden, Burlington, Ocean and Monmouth Counties, in the District of New Jersey and elsewhere, the defendants,

MOHAMAD IBRAHIM SHNEWER,

DRITAN DUKA,
a/k/a "Tony Duka,"

ELJVIR DUKA,
a/k/a "Sulayman,"

SHAIN DUKA,
a/k/a "Shaheen,"

and

SERDAR TATAR,

did knowingly and willfully conspire and agree with each other and with others, to kill and attempt to kill officers and employees of the United States and of an agency in the Executive Branch of the United States Government, namely, members of the

uniformed services, while such officers and employees were engaged in and on account of the performance of official duties, and persons assisting such officers and employees in the performance of such duties and on account of that assistance, contrary to Title 18, United States Code, Section 1114.

Object Of The Conspiracy

5. It was the object of the conspiracy for the defendants, MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR, to kill United States military personnel by, among other methods, engaging in armed paramilitary attacks on government and military installations in New Jersey and elsewhere.

Manner And Means Of The Conspiracy

6. It was part of the conspiracy that defendants MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA and SHAIN DUKA acquired, distributed and/or viewed digital video discs ("DVDs") and other videos which depicted violent attacks on United States military personnel; espoused jihadist propaganda produced by al Qaeda and others; and attempted to recruit the viewer to engage in armed attacks against the United States Government.¹

7. It was further part of the conspiracy that defendants MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR identified and attempted to identify

¹ "Jihad," in this context, is defined as a holy war.

individuals who shared their violent jihadist philosophy, and/or recruited and attempted to recruit individuals to their violent jihadist philosophy.

8. It was further part of the conspiracy that defendants MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR acquired and possessed weapons, including but not limited to one Mossberg, Model 500, 12 gauge, pump action shotgun, serial number P380768 (hereinafter referred to as the "Mossberg shotgun"); one Beretta, Model CX4 Storm, 9 millimeter caliber rifle, serial number CX02876 (hereinafter referred to as the "Beretta rifle"); one Yugoslavian Model SKS, 7.62x39 millimeter semiautomatic rifle, serial number F-151946 (hereinafter referred to as the "Yugoslavian SKS semiautomatic rifle"); and one Beretta, Model 92FS, 9 millimeter caliber pistol, serial number BER 341463 (hereinafter referred to as the "Beretta pistol").

9. It was further part of the conspiracy that defendants MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR engaged in firearms training in Pennsylvania using the Mossberg shotgun, the Beretta rifle, the Yugoslavian SKS semiautomatic rifle, and the Beretta pistol.

10. It was further part of the conspiracy that defendants DRITAN DUKA, ELJVIR DUKA and SHAIN DUKA engaged in tactical training in New Jersey and Pennsylvania using, among other

things, paint-ball guns and equipment.

11. It was further part of the conspiracy that defendants MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR undertook measures to identify potential targets for attack, such as government and military installations, as well as the annual Army-Navy football game.

12. It was further part of the conspiracy that defendant MOHAMAD IBRAHIM SHNEWER conducted surveillance operations at several United States military installations, including but not limited to the United States Army Base at Fort Dix, McGuire Air Force Base, the Lakehurst Naval Air Station, the United States Army Base at Fort Monmouth, the Dover Air Force Base, and the United States Coastguard Base in Philadelphia, Pennsylvania.

13. It was further part of the conspiracy that defendant SERDAR TATAR acquired a map of the United States Army Base at Fort Dix to be used by members of the conspiracy to plan and coordinate an attack on Fort Dix.

14. It was further part of the conspiracy that defendants MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR used various methods to conceal the existence of the conspiracy and the identities of the conspirators in order to avoid detection by law enforcement officials and further the goals of the conspiracy.

15. It was further part of the conspiracy that defendants

MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA and SHAIN DUKA acquired and attempted to acquire handguns, semiautomatic assault weapons and fully automatic machineguns to train for and to execute their attacks on American military personnel.

Overt Acts

16. In furtherance of the conspiracy and to effect its unlawful object, defendants MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR committed and caused to be committed the following overt acts in the District of New Jersey and elsewhere:

(a) In or about the week of January 3, 2006, MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA, SHAIN DUKA and SERDAR TATAR engaged in firearms training in Gouldsboro, Pennsylvania.

(b) In or about the week of January 3, 2006, SERDAR TATAR purchased the Mossberg shotgun in Pennsylvania.

(c) On or about April 28, 2006, MOHAMAD IBRAHIM SHNEWER provided a DVD to COOPERATING WITNESS-1, an individual SHNEWER believed shared his violent jihadist philosophy. The DVD, upon which SHNEWER had written "DVD Islam," displayed violent jihadist images as the narrator attempted to recruit the viewer to engage in jihadist activities.

(d) On or about May 26, 2006, MOHAMAD IBRAHIM SHNEWER provided his laptop computer to COOPERATING WITNESS-1 in order for COOPERATING WITNESS-1 to view an al Qaeda recruitment video

which featured speeches by, among others, Usama Bin Laden and Sheikh Omar Abdal Rahman, as well as a video which glorified the terrorist attacks of September 11, 2001.

(e) On or about July 29, 2006, MOHAMAD IBRAHIM SHNEWER showed COOPERATING WITNESS-2, an individual SHNEWER believed shared his violent jihadist philosophy, videos depicting armed attacks on United States military personnel.

(f) On or about August 1, 2006, SERDAR TATAR transferred his ownership of two weapons, namely the Mossberg shotgun and the Beretta rifle, to a third party in order to prevent those weapons from being traced to TATAR or other members of the conspiracy.

(g) On or about August 11, 2006, MOHAMAD IBRAHIM SHNEWER conducted surveillance of the United States Army Base at Fort Dix and McGuire Air Force Base.

(h) On or about August 11, 2006, MOHAMAD IBRAHIM SHNEWER conducted surveillance of the United States Army Base at Fort Monmouth.

(i) On or about August 11, 2006, MOHAMAD IBRAHIM SHNEWER conducted surveillance of the Lakehurst Naval Air Station.

(j) On or about August 13, 2006, MOHAMAD IBRAHIM SHNEWER conducted surveillance of the Dover Air Force Base.

(k) On or about August 13, 2006, MOHAMAD IBRAHIM

SHNEWER conducted surveillance of the United States Coast Guard Base in Philadelphia, Pennsylvania.

(l) On or before November 28, 2006, SERDAR TATAR acquired a map of the United States Army Base at Fort Dix, labeled "Cantonment Area Fort Dix, NJ," knowing the map was to be used by members of the conspiracy to plan and coordinate an attack on Fort Dix.

(m) On or about November 28, 2006, SERDAR TATAR provided the map of Fort Dix to COOPERATING WITNESS-1, intending that the map be used by members of the conspiracy to plan and coordinate an attack on Fort Dix.

(n) On or about December 3, 2006, SERDAR TATAR cautioned MOHAMAD IBRAHIM SHNEWER against placing too much trust in COOPERATING WITNESS-1.

(o) On or about December 7, 2006, SERDAR TATAR falsely stated to law enforcement officers that he had never provided a map of Fort Dix to anyone.

(p) On or about December 29, 2006, MOHAMAD IBRAHIM SHNEWER took possession of the map of Fort Dix from COOPERATING WITNESS-1 and hid the map in a secret location.

(q) On or about January 31, 2007, DRITAN DUKA, ELJVIR DUKA and SHAIN DUKA collected weapons, including the Mossberg shotgun, the Beretta rifle, the Yugoslavian SKS semiautomatic rifle, and the Beretta pistol to be used during firearms training

in Pennsylvania.

(r) On or about February 1, 2007, DRITAN DUKA, ELJVIR DUKA and SHAIN DUKA traveled by car from New Jersey to Pennsylvania to engage in firearms training.

(s) On or about February 2, 2007, DRITAN DUKA, SHAIN DUKA and ELJVIR DUKA engaged in firearms training in Gouldsboro, Pennsylvania.

(t) On or about February 4, 2007, MOHAMAD IBRAHIM SHNEWER traveled by car to Gouldsboro, Pennsylvania to engage in firearms training.

(u) On or about February 4, 2007, MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, ELJVIR DUKA and SHAIN DUKA viewed terrorist training DVDs and videos depicting, among other things, the death and dismemberment of United States military personnel.

(v) On or about February 5, 2007, MOHAMAD IBRAHIM SHNEWER, DRITAN DUKA, SHAIN DUKA and ELJVIR DUKA engaged in firearms training in Gouldsboro, Pennsylvania.

(w) On or about February 26, 2007, DRITAN DUKA and ELJVIR DUKA engaged in tactical training in Cherry Hill, New Jersey using paint-ball guns and equipment.

(x) On or about March 15, 2007, DRITAN DUKA and SHAIN DUKA engaged in tactical training in Cherry Hill, New Jersey using paint-ball guns and equipment.

(y) On or about March 15, 2007, DRITAN DUKA gave

COOPERATING WITNESS-1 a business card, on the back of which DUKA had written "A-K 47 Kalichnikov," a Russian-made semiautomatic and/or fully automatic assault weapon, indicating the type of weapons DUKA wanted to acquire.

(z) On or about March 16, 2007, MOHAMAD IBRAHIM SHNEWER told COOPERATING WITNESS-1 that he wanted to purchase an AK-47 semiautomatic and/or fully automatic assault weapon.

(aa) On or about March 28, 2007, DRITAN DUKA reviewed a list of weapons, which included AK-47 Kalishnikov semiautomatic assault weapons and M-16 machine guns, purportedly for sale by an individual he believed to be a black market weapons dealer.

(bb) On or about April 6, 2007, DRITAN DUKA agreed to purchase multiple AK-47 Kalishnikov semiautomatic assault weapons, M-16 fully automatic machine guns, and four handguns, from an individual he believed to be a black market weapons dealer.

(cc) On or about April 27, 2007, MOHAMAD IBRAHIM SHNEWER agreed to purchase an AK-47 Kalishnikov semiautomatic assault weapon from an individual he believed to be a black market weapons dealer.

(dd) On or about May 7, 2007, DRITAN DUKA and SHAIN DUKA traveled to a location in Cherry Hill, New Jersey to take possession of the three AK-47 Kalishnikov semiautomatic assault weapons, the four M-16 fully automatic machine guns, and the four

handguns ordered by DRITAN DUKA on April 6, 2007.

In violation of Title 18, United States Code, Section 1117.

COUNT 2

(Attempt To Murder Members of the United States Military)

1. Paragraphs 1 through 3 and 5 through 16 of Count 1 of this Superseding Indictment are hereby realleged and incorporated by reference as though set forth in full herein.

2. From on or about January 3, 2006 to on or about May 7, 2007, in Camden, Burlington, Ocean and Monmouth Counties, in the District of New Jersey and elsewhere, the defendants,

MOHAMAD IBRAHIM SHNEWER,

DRITAN DUKA,
a/k/a "Tony Duka,"

ELJVIR DUKA,
a/k/a "Sulayman,"

SHAIN DUKA,
a/k/a "Shaheen,"

and

SERDAR TATAR,

did knowingly and willfully attempt to kill officers and employees of the United States and of an agency in the Executive Branch of the United States Government, namely, members of the uniformed services, while such officers and employees were engaged in and on account of the performance of official duties, and persons assisting such officers and employees in the performance of such duties and on account of that assistance.

In violation of Title 18, United States Code, Section 1114, and Title 18, United States Code, Section 2.

COUNT 3

**(Possession and Attempted Possession of Firearms
in Furtherance of a Crime of Violence)**

1. Paragraphs 1 through 3 and 5 through 16 of Count 1 of this Superseding Indictment are hereby realleged and incorporated by reference as though set forth in full herein.

2. From on or about March 15, 2007 to on or about May 7, 2007, in Camden County, in the District of New Jersey and elsewhere, the defendants,

DRITAN DUKA,
a/k/a "Tony Duka,"

ELJVIR DUKA,
a/k/a "Sulayman,"

and

SHAIN DUKA,
a/k/a "Shaheen,"

did knowingly and willfully possess and attempt to possess firearms, namely,

one Colt Model M16A1, .223 caliber, machinegun, serial number 4442140;

one Colt Model M16A1, .223 caliber, machinegun, serial number 5442530;

one Colt Model M16A1, .223 caliber, machinegun, serial number 9463259;

one Colt Model M16A1, .223 caliber, machinegun, serial number 9504441;

one Polytech, Model AKS-762, 7.62x39 millimeter caliber, semiautomatic rifle, serial number PS87-762-0919;

one Norinco, Model AK47, 7.62x39 millimeter caliber, semiautomatic rifle, serial number 56-202945; and,

one Norinco, Model AK47, 7.62x39 millimeter caliber, semiautomatic rifle, serial number 604820;

in furtherance of a crime of violence for which the person may be prosecuted in a court of the United States, namely, the conspiracy to murder members of the United States military, contrary to Title 18, United States Code, Section 1114, in violation of Title 18, United States Code, Section 1117, as charged in Count 1 of this Superseding Indictment, and the attempted murder of members of the United States military, in violation of Title 18, United States Code, Section 1114, and Title 18, United States Code, Section 2, as charged in Count 2 of this Superseding Indictment.

In violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), and Title 18, United States Code, Section 2.

COUNT 4

**(Attempted Possession of Firearms in
Furtherance of a Crime of Violence)**

1. Paragraphs 1 through 3 and 5 through 16 of Count 1 of this Superseding Indictment are hereby realleged and incorporated by reference as though set forth in full herein.

2. From on or about March 16, 2007 to on or about May 7, 2007, in Camden County, in the District of New Jersey and elsewhere, the defendant,

MOHAMAD IBRAHIM SHNEWER,

did knowingly and willfully attempt to possess a firearm, namely, one AK-47 machinegun and/or semiautomatic assault weapon, in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, namely, the conspiracy to murder members of the United States military, contrary to Title 18, United States Code, Section 1114, in violation of Title 18, United States Code, Section 1117, as charged in Count 1 of this Superseding Indictment, and the attempted murder of members of the United States military, in violation of Title 18, United States Code, Section 1114, and Title 18, United States Code, Section 2, as charged in Count 2 of this Superseding Indictment.

In violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), and Title 18, United States Code, Section 2.

COUNT 5

(Possession of Machineguns)

1. Paragraphs 1 through 3 and 5 through 16 of Count 1 of this Superseding Indictment are hereby realleged and incorporated by reference as though set forth in full herein.

2. On or about May 7, 2007, in Camden County, in the District of New Jersey and elsewhere, the defendants,

DRITAN DUKA,
a/k/a "Tony Duka,"

and

SHAIN DUKA,
a/k/a "Shaheen,"

did knowingly possess and attempt to possess machineguns, namely,

one Colt Model M16A1, .223 caliber, machinegun, serial number 4442140;

one Colt Model M16A1, .223 caliber, machinegun, serial number 5442530;

one Colt Model M16A1, .223 caliber, machinegun, serial number 9463259; and,

one Colt Model M16A1, .223 caliber, machinegun, serial number 9504441.

In violation of Title 18, United States Code, Section 922(o), and Title 18, United States Code, Section 2.

COUNT 6

(Possession of Firearms by an Illegal Alien)

1. Paragraphs 1 through 3 and 5 through 16 of Count 1 of this Superseding Indictment are hereby realleged and incorporated by reference as though set forth in full herein.

2. On or about May 7, 2007, in Camden County, in the District of New Jersey and elsewhere, the defendants

DRITAN DUKA,
a/k/a "Tony Duka,"

and

SHAIN DUKA,
a/k/a "Shaheen,"

being aliens who were illegally and unlawfully in the United States, did knowingly possess and attempt to possess in and affecting commerce firearms, namely,

one Colt Model M16A1, .223 caliber, machinegun, serial number 4442140;

one Colt Model M16A1, .223 caliber, machinegun, serial number 5442530;

one Colt Model M16A1, .223 caliber, machinegun, serial number 9463259;

one Colt Model M16A1, .223 caliber, machinegun, serial number 9504441;

one Polytech, Model AKS-762, 7.62X39 millimeter caliber, semiautomatic rifle, serial number PS87-762-0919;

one Norinco, Model AK47, 7.62X39 millimeter caliber, semiautomatic rifle, serial number 56-202945; and,

one Norinco, Model AK47, 7.62X39 millimeter caliber, semiautomatic rifle, serial number 604820.

In violation of Title 18, United States Code, Section 922(g)(5), and Title 18, United States Code, Section 2.

COUNT 7

(Possession of Firearms by an Illegal Alien)

1. Paragraphs 1 through 3 and 5 through 16 of Count 1 of this Superseding Indictment are hereby realleged and incorporated by reference as though set forth in full herein.

2. From on or about January 31, 2007 to on or about February 1, 2007, in Camden County, in the District of New Jersey and elsewhere, the defendants

DRITAN DUKA,
a/k/a "Tony Duka,"

ELJIVIR DUKA,
a/k/a "Sulayman,"

and

SHAIN DUKA,
a/k/a "Shaheen,"

being aliens who were illegally and unlawfully in the United States, did knowingly possess in and affecting commerce ammunition and firearms, namely,

one Mossberg, Model 500, 12 gauge, pump action shotgun, serial number P380768;

one Beretta, Model CX4 Storm, 9 millimeter caliber rifle, serial number CX02876;

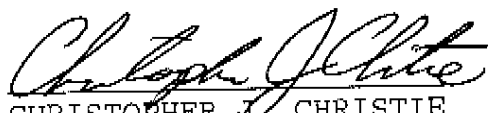
one Yugoslavian Model SKS, 7.62X39 millimeter caliber, semiautomatic rifle, serial number F-151946; and,

one Beretta, Model 92FS, 9 millimeter caliber pistol, serial number BER341463.

In violation of Title 18, United States Code, Section
922(g)(5), and Title 18, United States Code, Section 2.

A TRUE BILL

FOREPERSON


CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

MOHAMAD IBRAHIM SHNEWER,

DRITAN DUKA,

a/k/a "Tony Duka,"

ELJAVIR DUKA,

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SHAIN DUKA,

a/k/a "Shabbeen,"

and

SERDAR TATAR

SUPERSEDING INDICTMENT

Title 18, United States Code, Sections 1114, 1117, 924(c)
Title 18, United States Code, Sections 922(o), 922(g)(5) and 2

A TRUE BILL,

Foreperson

CHRISTOPHER J. CHRISTIE
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Camden, New Jersey